

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOSEPH BLOOMFIELD,**

**Plaintiff,**

**9:08-cv-619  
(GLS/RFT)**

**v.**

**BEZALEL WURZBERGER et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Joseph Bloomfield  
Pro Se  
110-51 155th Street  
Jamaica, NY 11433

**FOR THE DEFENDANTS:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
Albany Office  
The Capitol  
Albany, NY 12224

CHARLES J. QUACKENBUSH  
Assistant Attorney General

**Gary L. Sharpe  
Chief Judge**

**MEMORANDUM-DECISION AND ORDER**

**I. Introduction**

Plaintiff *pro se* Joseph Bloomfield commenced this action under 42 U.S.C. § 1983 for alleged violations of his constitutional rights. (See Am.

Compl., Dkt. No. 10.) In a Report-Recommendation and Order (R&R) filed January 3, 2011, Magistrate Judge Randolph F. Treece recommended that Bloomfield's Amended Complaint be dismissed pursuant to Fed. R. Civ. P. 41(b). (*See generally* R&R, Dkt. No. 51.) On January 26, 2011, the court, in the absence of any objections from Bloomfield, entered an Order adopting the R&R. (*See* Dkt. No. 53.) However, on February 7, 2011, Bloomfield filed a letter brief in which he objected to the R&R. (*See* Dkt. No. 55.) Because Bloomfield is *pro se*, the court excuses the untimeliness of his objection, and as such, conducts the requisite review. Having found no errors in its previous Order, (*see* Dkt. No. 53), the court declines to rescind it.

## **II. Standard of Review**

Before entering final judgment, this court routinely reviews all report-recommendation and orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations *de novo*. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484GLS, 2006 WL 149049, at \*6-7 (N.D.N.Y. Jan. 18, 2006). Where no party has filed an objection, only vague or general objections are

made, or a party resubmits the same papers and arguments already considered by the magistrate judge, this court reviews the findings and recommendations of the magistrate judge for clear error. See *id.* at \*4-5.

### **III. Discussion**

Bloomfield's objection, which consists of two sentences, is, at best, a general objection. (See Dkt. No. 55.) Though he claims to reside at the address listed on the docket, he offers no justification for his failure to prosecute this action. (See *id.*) And, more importantly, he fails to cite any errors in Judge Treece's R&R. (See *id.*) Thus, having found no clear error in the R&R, the court declines to rescind its previous Order.

### **IV. Conclusion**

**WHEREFORE**, for the foregoing reasons, it is hereby

**ORDERED** that this case shall remain closed; and it is further

**ORDERED** that the Clerk provide a copy of this Memorandum-

Decision and Order to the parties.

**IT IS SO ORDERED.**

October 9, 2012  
Albany, New York

  
Gary L. Sharp  
Chief Judge  
U.S. District Court